

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.8716 OF 2015

Paldewar Prashant Agro Tech Pvt.Ltd.,
having its office at Shop No.32,
New Mondha, Nanded, through
its Managing Director Shri
Prashant s/o Nagnathrao Paldewar,
age: 43 years, Occ: Government
Contractor, R/o Vasant Nagar, Nanded,
Tq. and District Nanded.

Petitioner

Versus

Rashtriya Chemicals & Fertilizers Ltd.,
Regional Office, 1st Floor,
Kanchan Chambers, Station Road,
New Osmanpura, Aurangabad-431 005,
through its Area Incharge.

Respondent

Mr.Sushant C. Yeramwar, advocate for the petitioner
Mr.P.B.Shirsath, advocate for the Respondent.

CORAM : R.M.BORDE &

P.R.BORA, JJ.

DATE : 06th October, 2015

PER COURT:

1 The petitioner is praying to quash communication dated 18.08.2015, issued by Rashtriya Chemicals & Fertilizers Ltd., whereunder, tender submitted by the petitioner for awarding of contract in respect of handling and transportation for various Rake points/ware houses situate at Hingoli, Parbhani and Nanded, has been turned down.

2 The petitioner had approached this Court earlier by

presenting Writ Petition No.5216 of 2015 objecting to the communication issued by the Respondent mandating the petitioner to furnish documents, namely Solvency Certificate and Experience Certificate.

3 This Court, while disposing of the petition, permitted the petitioner to tender an appropriate explanation/documents to the tendering authority within a period of four days from the date of order and it was directed to the tendering authority to take appropriate decision, in accordance with its policy.

4 The petitioner contends that accordingly he furnished certain documents, however, his tender has been wrongly rejected by the Respondent-Company in view of the impugned communication.

5 Respondent-Company has raised an objection to the Resolution adopted by the petitioner-Company on 18.04.2015 in a meeting allegedly convened on 19.04.2015 authorising Smt.Naglaxmi Paldewar to pursue the tender process. It is really a matter of surprise as to how the Company could record Resolution dated 18.04.2015 in a meeting held on 19.04.2015. It has also not been clarified, according to the Respondent, as to who are the Directors of the Company. The Respondent has also objected to the Solvency Certificate furnished by the petitioner-Company on the ground that the Solvency Certificate is not in the name of petitioner-Company. The Respondent has also turned down tender of the petitioner on the ground that the experience certificate of the work of requisite value is not in the name of Directors of the

Company up to 31.03.2011 subject to the fulfillment criteria of maximum 7 years till the date of tender. Since petitioners have not disclosed names of Directors of the Company, it was very difficult for the Respondents to verify the experience certificate produced by the petitioner.

6 Apart from these aspects, it has been pointed out by the learned Counsel appearing for Respondent that father of the Managing Director of petitioner is one of the tenderers in the tender process and he has relied upon same set of documents, namely the experience certificate and solvency certificate. The factum that father of the Managing Director of petitioner was one of the tenderer and that he has placed reliance on the same set of documents, has not been disclosed by the petitioner in the petition. This disclosure made by the Respondents during the course of hearing of the petition, disentitles the petitioner to claim equitable relief. We do not find any reason to cause interference in the decision taken by the Respondent. The petition is devoid of substance.

7 Writ Petition stands dismissed. Interim relief vacated.

P.R.BORA
JUDGE

adb/wp871615

R.M.BORDE
JUDGE